IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE NINETEENTH DAY OF APRIL
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE Mr. JUSTICE C.V.RAMULU

WRIT PETITION No. 22684 of 2004

Between:

1 Sulochana Laxman Varma W/o.Laxman M.Varma
Atharnes Bridge, Plot No.119, Block No.6,
Sio East, Bombay-400 022.
2 Laxman M.Varma S/o.Mallaiah Varma
Atharnes Bridge, Plot No.119, Block No.6,
Sio East, Bombay-400 022.
3 Chandra Sekhar L.Varma S/o.Laxman M.Varma
Atharnes Bridge, Plot No.119, Block No.6,
Sio East, Bombay-400 022.
4 Sridhar L.Varma S/o.Laxman M.Varma
Atharnes Bridge, Plot No.119, Block No.6,
Sio East, Bombay-400 022.

..... PETITIONERS

AND

The Assistant Director Survey & Land Records,
Ranga Reddy District.

.....RESPONDENT

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ or order or Direction, more particularly one in the nature of Writ of Mandamus declaring the action of the respondent in issuing the impugned proceeding in No.A3/1624/2004 dt 30-8-2004 informing that the property/plots in question cannot be surveyed separately in Sy.No.160 situated at Kapra Village, Kesara Mandal, Ranga Reddy Dist as arbitrary, illegal and contrary to mandatory provisions of the A.P. Survey and Boundaries Act 1923 and consequently direct the respondent to measure the above said land in the interest of justice.

Counsel for the Petitioner: Mr. P.KESAVA RAO
Counsel for the Respondent: GP FOR REVENUE

The Court made the following :

THE HON'BLE SRI JUSTICE C.V. RAMULU

WRIT PETITION No.22684 of 2005

ORAL ORDER:

This writ petition is filed seeking a Mandamus declaring the action of the respondent in issuing the Proceedings dated 30-8-2004 informing the petitioners that the property/plots in question cannot be surveyed separately in Sy.No.160 situated at Kapra village, Keesara Mandal of Ranga Reddy district as arbitrary and illegal.

According to the petitioners, originally one Mehdi Ali Khan was the absolute owner and possessor of the land to an extent of Acs.20.09 gts in Sy.No.160 of Kushaiguda, Hamlet of Kapra village of the erstwhile Medchal Taluk, Hyderabad district. In the year 1972, the said Mehdi Ali Khan sold away the said land in favour of the 1st petitioner under a registered sale deed bearing document No.45/1972, dated 20-1-1972. Subsequently, the above lands were partitioned amongst the petitioners 2 to 4 being husband and sons of the first petitioner and the first petitioner. In the said partition, petitioners 2 to 4 were allotted Acs.5.00 each and petitioner No.1 was allotted Acs.5.18 gts as their respective shares. Since the date of purchase, the first petitioner has been in exclusive possession and enjoyment of the said land and subsequent to the partition, all the petitioners have been in possession and enjoyment of their respective extents. While so, the adjacent land owners in Sy.No.710 have interfered with their possession and enjoyment on the northern side of the land stating that their lands have been occupied by the petitioners. Therefore, they have approached the respondents for measuring and demarcating the plots situated on the northern side in Sy.No.160 in particular and the total land in general. They have paid the requisite fee of Rs.310/- towards measurement fee vide Challan dated 31-7-2004. They have also submitted an application dated 2-8-2004 to the respondent requesting to measure the land and also demarcate the same. However, the respondent has passed the impugned order. There is no plausible reason

furnished by the petitioner for rejecting the application of the petitioners. Hence, this writ petition.

Shorn of all details, the very impugned Memo does not inspire the confidence of the Court to be sustained under law. The impugned Memo reads as under:

> "With reference to the above application cited, the applicant Sri R.Srinivas Goud is hereby informed that the property/plots in question is not surveyed separately.
>
> As such, the request of the applicant cannot be possible."

It is not the case of the respondent that such an application itself is not maintainable or the petitioners are not entitled to maintain a petition for measurement and demarcation of the land. Having entertained the application and having received the requisite fee by way of challan, the respondent could have passed a reasonable order by assigning plausible reasons. The memo impugned does not furnish any reasons except saying that the property/plots in question cannot be surveyed separately. The said reason is also not a plausible one.

I am of the considered opinion that the impugned Memo is bereft of reasons. Therefore, it is set aside. The respondent is directed to conduct survey for measuring and demarcating the land as per the request made by the petitioners, within a period of two months from the date of receipt of a copy of this order, after giving notice to all the concerned.

With the above direction, the Writ Petition is disposed of at the admission stage.

19-4-2005

prk

ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1. The Assistant Director Survey & Land Records,
Ranga Reddy District.

2. 2 CCs to Government Pleader for Revenue, High Court Buildings, Hyderabad (OUT)

3 2 CD copies